

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
JERRY PINKS,

Plaintiff,

-against-

13-cv-1730 (LAK)

M&T BANK CORPORATION,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge.*

This is a purported class action to recover statutory damages for defendant's alleged failure to comply with Sections 9-613 and 9-614 of the Uniform Commercial Code as adopted by the State of South Carolina. Plaintiff moves for certification of a multi-state class. In a report and recommendation dated March 31, 2017 (the "R&R"), Magistrate Judge Ronald L. Ellis recommended that the motion in its first amended version be denied. Plaintiff objected to the R&R and filed a second amended motion for certification. Defendant has responded both to plaintiff's objections and to the second amended motion.

Plaintiff's objections to the R&R are overruled, substantially for the reasons set forth in defendant's response [DI 185] and his motions [DI 169, DI 186] are denied in all respects. The Court notes also that it would deny class certification on the basis set forth at pages 10-13 of the R&R independent of the standing issues.

SO ORDERED.

Dated: July 15, 2017

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge

